HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 391 (S/S) of 2004

Bal Krishna
S/o Late Shri Bharat Singh,
R/o 1/5, Canal Road, Ballupur,
Dehradun. ……Petitioner

Vs

Oil and Natural Gas Corporation Ltd.
And others. ……Respondents

Counsel for the petitioner Sh. Ramji Srivastava.
Standing Counsel for the respondents.

Dated:- 16-4-2004

Hon'ble Rajesh Tandon, J.

Heard Sh. Ramji Srivastava learned counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the impugned order dt. 9-12-2003(Annexure No. 10 to this writ petition) passed by General Manager (P&A), Head Corporate Administration, Oil and Natural gas Corporation Ltd., Tel Bhawan, Dehradun respondent No. 3.

Brief facts giving rise to the present writ petition are that the petitioner joined the Oil and Natural Gas Corporation Ltd. as Account Assistant Grade-III on 22-7-82 against a reserved vacancy as the petitioner belong to Scheduled Caste community and his caste is known as Dhangar [धनगर]. The said is mentioned at page No. 10

at serial no. 27 of the book-let of Uttar Pradesh Scheduled Caste in the month of may 1959, which was recognized by the State of Uttar Pradesh.

The petitioner has stated that on the basis of notification showing the Dhangar Caste as Scheduled Caste, the petitioner applied for Scheduled Caste Certificate before District Magistrate, Dehradun and after enquiry, the petitioner was issued a caste certificate by the competent authority on 12-3-1975. Similar certificate as that of the petitioner was issued to various other and few of them have taken benefit in getting employment in Oil and Natural Gas Corporation and in other institutions. The investigating officer of Oil and Natural Gas Corporation Ltd. had undertaken to enquire the validity of Caste Certificate, issued to the petitioner and other persons, in an ***"enquiry of misconduct"*** against the petitioner in the year 1991. It is evident from the said enquiry report that the caste certificate, issued by the competent authority to the petitioner under the Scheduled Caste and Scheduled Tribe (Amendment Act, 1959) was found to be genuine in the order dt. 19-3-93.

The petitioner has bonafidely served in Oil and Natural Gas Corporation Ltd. for a period of more than 21 years and his service record has always remained spotless. The annual confidential report of the petitioner supports the contentions of petitioner. The petitioner has been granted promotion from the post of A.A Gd-III to the post of A.A. GD. II in the year 1989, thereafter, the petitioner was again promoted to the post of AA. Gd. I in the year 1993.

However, the petitioner has filed a writ petition No. 31672 of 1997 Bal Krishna Vs. Oil and Natural Gas Corporation Ltd. and others before Hon'ble Allahabad High Court challenging the order dt. 6-8-97. In this writ petition, Hon'ble Mr. Justice R.N. Ray was pleased to pass an order on 29-9-97 directing the respondent not to

terminate the services of petitioners and the departmental proceedings may follows. The same are as under:-

"Until the next date, the services of the petitioner may not be terminated. However, the departmental proceedings may follow."

The grievance of the petitioner is that he has filed an appeal under Rule 45 to 48 of Conduct, Discipline and Appeal Rules 1994 before the Director (Finance), Oil And Natural Gas Corporation, Tel Bhawan, Dehradun and the same may be directed to be disposed of.

The Director Finance Oil and Natural Gas Corporation Ltd. is directed to dispose of the appeal filed by the petitioner within a period of 6 weeks after the production of the certified copy of this order.

Subject to the aforesaid observation, the writ petition is dismissed. There will be no order as to costs.

16-4-2004 **Rajesh Tandon**
M.K